

## **Raymond Planning Board Minutes**

**June 04, 2009**

**Approved 06/18/09**

**Place:** Raymond High School; Media Center

**Call to Order:** 7:00 p.m.

**Members Present:** Jonathan Wood, Chairman; Carolyn Matthews, Vice Chairman; Jim Kent, Secretary; Bill Hoitt, Selectmen's Ex-Officio; Bill Cantwell, Gretchen Gott, Doug Vogel.

**Staff Present:** Ernest Cartier Creveling, Community Development Director; Robert Price, Planning Technician.

### **Pledge of Allegiance**

### **Approval of Minutes**

Members Sitting for Approval of Minutes: Jonathan Wood, Carolyn Matthews, Jim Kent Bill Hoitt, Gretchen Gott, Bill Cantwell, Doug Vogel.

MOTION: Bill Cantwell made a motion to approve the minutes of May 07, 2009 as amended. Carolyn Matthews seconded. The motion passed with a vote of 6-0-1, with Doug Vogel abstaining.

MOTION: Bill Cantwell made a motion to approve the minutes of May 14, 2009 as amended. Bill Hoitt seconded. The motion passed with a vote of 5-0-2, with Doug Vogel and Gretchen Gott abstaining.

MOTION: Bill Cantwell made a motion to approve the minutes of May 21, 2009 as amended. Doug Vogel seconded. The motion passed with a vote of 6-0-1, with Carolyn Matthews abstaining.

### **Public Hearing – Al Martin Site Plan**

*Continued from 04/16/2009; Application #2008-017 - An application for Site Plan Review has been submitted by RSL Layout & Design/Jones & Beach Engineers, Inc. on behalf of Albert & Gail Martin. The applicant proposes to construct an antiques store and a used car facility. The property is shown on Raymond Tax Map 11, Lot 5; 65 Chester Road.*

Members Sitting for this Hearing: Jonathan Wood, Carolyn Matthews, Jim Kent Bill Hoitt, Gretchen Gott, Bill Cantwell, Doug Vogel.

Jonathan Wood stated that the applicant must understand all the work that has already taken place on the site to date has been done without the benefit of an approved site plan, and has been done at the applicant's own risk.

Jonathan Wood read a memo issued by Planning Technician Robert Price regarding the plans used by the NH Department of Transportation when issuing Mr. Martin's driveway permit. A copy of this memo is attached to the original set of minutes on file at the Town Clerk's Office.

Planning Technician Price stated he spoke with Eric Weinrieb of Altus Engineering earlier today. Mr. Weinrieb informed him that he has not received any additional information, revised plans or other inquiries since his last review letter was issued on April 6, 2009.

Joe Coronati of Jones & Beach Engineers, Inc. stated one of the outstanding issues with Altus related to the septic system. He stated since the last meeting, Jones & Beach went to the site and dug a new test pit, located behind the existing pool, and the results of this test pit will allow a septic system to be designed in the new location as opposed to underneath the parking lot. Mr. Coronati next stated his understanding is that, in conversations Mr. Martin had with Code Enforcement Officer Mailhot, a septic system does not need to be designed and installed until the proposed future building is constructed. However, Altus would like to see the design now. Altus has asked the Board to give clarification on this issue.

Community Development Director Cartier Creveling stated the Planning Board can set, as condition precedent, that the design be completed prior to the start of work, to ensure that a septic system can be installed in the new proposed location.

Mr. Coronati next informed the Board that Note #6 was added to the plan referencing a bond amount, which was requested by Altus.

*WAIVER REQUEST: Waiver from the Town of Raymond Site Plan Review Regulations, Article Vi, Section I, #2 – Scale of Plan must be 1" = 20'.*

Jonathan Wood polled the Planning Board to see if the Board should or should not bypass the waiver request form and simply take a yes/no vote on the granting of this waiver.

#### POLL RESULTS

Jim Kent – Should; but he is concerned with setting precedent for losing control

Gretchen Gott – Should, but shares concern with Mr. Kent. It needs to be specified that this action shall in no way set a precedent.

Bill Hoitt – Should

Bill Cantwell – Should

Doug Vogel – Should Not

Carolyn Matthews – Should

Jonathan Wood - Should

MOTION: Gretchen Gott made a motion to grant the requested waiver from the Town of Raymond Site Plan Review Regulations, Article Vi, Section I, #2 – Scale of Plan must be 1" = 20'. This action shall in no way set a precedent for procedure on any future application. Carolyn Matthews seconded. The motion passed with a vote of 6-1-0, with Doug Vogel voting against the motion.

Mr. Coronati explained that the project is intended to be phased. The first phase is to open for wholesale used car sales, the second is to construct a 40x40 building, and hopefully change to a

retail car license, and the third phase is to place a 40' x 40' addition onto that building at some point. Mr. Cartier Creveling noted that a phasing plan needs to be included in the plan set that makes very clear the phases of this project. Mr. Wood requested that the plans make clear the hours of operation for each use.

The Board entered into a discussion regarding the parking of used vehicles on the site. Mr. Coronati stated Note #5 has been added to the plan outlining that no used vehicles shall be parked on the gravel parking area. Carolyn Matthews asked what the graveled parking spaces will be used for. Mr. Coronati replied they have not been specified for a specific use.

Doug Vogel stated he has a concern with any gravel parking areas because a car being driven by someone coming to the site to attend a yoga class is more likely to leak than one sitting idle. Al Martin, the applicant, stated he will pave the gravel parking area during phase 2 of the plan. Carolyn Matthews stated if this is the case, then she has concerns with the drainage being affected. Mr. Coronati stated the pavement was accounted for in the drainage calculations.

After the discussion, the Board was polled by Jonathan Wood to determine if parking of business vehicles, either for sale or transport should or should not be allowed to park on any non-paved surface.

#### POLL RESULTS

Jim Kent – No

Gretchen Gott – No

Bill Hoitt – Yes

Bill Cantwell – No

Doug Vogel – No

Carolyn Matthews – No

Jonathan Wood – No

Next, the Board discussed landscaping on the site. Mr. Coronati stated a landscape plan has been added to the set of plans that were presented to the Board at tonight's meeting. Bill Cantwell stated he recognizes the design of the site makes it difficult; however he would like to see heavier landscaping in the vicinity of the used car display area. Mr. Martin stated he would like to have the site visible from the road to attract attention. Ms. Matthews replied by stating having too much visibility from the road into the site could lead to a safety concern. The Board requested for Code Enforcement Officer Richard Mailhot to take a look at the buffering requirements for dissimilar zones, and how it relates to this site.

#### PUBLIC COMMENT

Diane DeBruyckere stated she has several concerns with this project. The first is with traffic. She expressed concern with trucks coming from Aggregate Industries traveling North on 102, stating they will not have time to slow down when coming down the hill located by Blueberry Hill Road if someone slows down to look at Mr. Martin's site. She also asked if there would be restraints on the advertising Mr. Martin would be allowed to install. Mr. Cartier Creveling stated Mr. Martin would have to meet the requirements of the Sign Ordinance. She also asked Mr.

Martin to consider dropping the used car sales aspect of his proposal, sticking with the antiques business and yoga studio.

Kathy McDonald stated she is concerned with runoff and contamination of wells. She stated she also has concerns with tractor trailers making trips to/from the site.

Richard Flibotte asked how a septic system for this site can be designed when the Board does not know exactly what will exist on the site. He asked if a septic system would be designed to take all potential uses into account. Mr. Wood responded this is one of the reasons that the Board requested a phasing plan. Mr. Flibotte went on to state he is also concerned with spill prevention. He noted the plan shows runoff flowing into a detention pond. He asked if the detention pond will have an impervious bottom, or if any contaminants will be allowed to leach into the ground. Mr. Wood replied there are standard management practices that must be adhered to. Lastly, Mr. Flibotte stated he feels that vision into the site should be buffered or blocked to reduce the potential for driver distraction in this area.

Paul Green asked if runoff calculations were based on a 50-year storm, or something greater. He stated the public voted for a zoning change on this application based on the understanding that the antiques shop was being rebuilt, not anything additional. He stated the public relies on the Planning Board to protect the public's interest.

Pat Callina asked if Mr. Martin has a permit for removal of the fill currently being sold on the site. Mr. Cartier Creveling stated he would investigate the situation, and contact the State of NH to determine if the amounts being removed require taxation.

Mark Cooper stated he has his own business located in the Town of Candia. He stated as his business grew, he acquired more and more equipment, leading to problems for drivers making deliveries to his site. He stated as Mr. Martin's business grows, drivers will not be able to navigate his site, which is already difficult to do.

Mr. Martin stated he obtained a permit for a commercial driveway, and the State of NH already knows about his intentions – they had this information when they reviewed his plans for the issuance of a driveway permit.

Jonathan Wood noted that the applicant will need to provide the Board an extension of the 65-day review period. Mr. Coronati granted the Board an extension of 60 days, to August 2, 2009. He stated he would issue a letter to staff tomorrow reflecting same.

MOTION: Gretchen Gott made a motion to hold a site walk on July 9, 2009 at 6:00 p.m. Bill Cantwell seconded. The motion passed with a unanimous vote of 7-0-0.

MOTION: Gretchen Gott made a motion to continue this hearing to July 23, 2009 at 7:00 p.m. at Raymond High School. Bill Cantwell seconded. The motion passed with a unanimous vote of 7-0-0.

## **Public Hearing – “Bohle Way” Conservation Subdivision Extension Request**

*Continued from 05/07/2009; Application #2008-001 – A request has been received from James Gregoire for an extension of the original conditional approval received May 15, 2008 for a conservation subdivision known as “Bohle Way.” The applicant proposes to modify the deadline for completion of conditions precedent, modify the steps required to achieve active and substantial development, and also modify the time period in which active and substantial development can be completed. The property is shown on Raymond Tax Map 23, Lot 4; Batchelder Road.*

*Members Sitting for this Hearing: Jonathan Wood, Carolyn Matthews, Jim Kent Bill Hoitt, Gretchen Gott, Bill Cantwell, Doug Vogel.*

Community Development Director Cartier Creveling stated Mr. Gregoire came into the office, and outlined a scenario that would allow him to construct his personal residence first. In looking at this request, Code Enforcement Officer Richard Mailhot wrote a response to Mr. Gregoire. This response was read into the record, and is attached to the original set of minutes on file at the Town Clerk’s Office. He noted that at the last meeting, an extension was granted to Mr. Gregoire to June 15, 2009. He added if the Board were to approve the suggestion posed by Mr. Mailhot, then it would have to occur at a noticed meeting. The applicant would have to seek an amendment to the subdivision plan to allow the phasing. He added that the Board should place a condition to set forth that the road must be brought to the standards outlined in condition 2(a) of the original conditional approval issued May 15, 2008.

Jonathan Wood asked if phasing this project would affect the extension allowed under Senate Bill 93. Mr. Cartier Creveling stated he feels the phasing can be linked to the original time frames.

James Gregoire stated his ultimate goal has always been to build his house and live on this land. He added if he records the mylar by June 15, then he technically must construct the road, which is impossible for him to do. He stated from the people he’s spoken with, the subdivision is very unlikely to be built unless housing values return to the point they were several years ago. However, he does not want to lose everything he has invested to this point. He continued by saying he would like to build his personal residence while preserving his rights for the remainder of the subdivision.

Jonathan Wood stated the Board will need a phasing plan showing Mr. Gregoire’s intentions.

Gretchen Gott requested for Kevin Pratt to review the phasing plan once it comes in. Mr. Cartier Creveling stated he will have him look at the plan.

Jonathan Wood polled the Board to see if the members do or do not concur with the phasing concept.

## **POLL RESULTS**

**Jim Kent** – Yes

Gretchen Gott – Yes

Bill Hoitt – Yes

Bill Cantwell – Yes

Doug Vogel – Yes

Carolyn Matthews – Yes

Jonathan Wood – Yes

**MOTION:** Carolyn Matthews made a motion to extend the conditions precedent deadline for this project to July 30, 2009. Bill Cantwell seconded. The motion passed with a unanimous vote of 7-0-0.

**Mottollo Superfund Site: Planning Board deliberation and recommendation regarding 41:14-a proposal from the Board of Selectmen (see attached legal notice)**

*In accordance with New Hampshire RSA 41:14-a, the Town of Raymond Board of Selectmen will hold two Public Hearings in the Media Center (Library) at the Raymond High School, 45 Harriman Hill Road, on the following dates: Monday, June 15, 2009 at 7:00 p.m. and Monday, June 29, 2009 at 7:00 p.m.*

*The purpose of both Public Hearings is to accept public comment regarding a proposal for the Selectmen to abate approximately \$107,665 in unpaid taxes and interest on Tax Map 5, Lot 87 (50.84 acres), otherwise known as the Mottollo Superfund Site, to enable transfer of ownership of the land to the State of New Hampshire in exchange for a conservation easement to be held in perpetuity by the Town of Raymond. The conservation easement will allow future active and passive recreational activities on suitable areas of the site in accordance with use restrictions to be applied to the site as part of completion of the hazardous waste clean-up.*

*After completion of both public hearings, the Selectmen will then meet on Monday, July 6, 2009 at 7:00 p.m. in the Media Center at the Raymond High School to deliberate and render a decision on the proposal.*

Bill Cantwell stated he would like to recuse himself from this discussion because he lives in the vicinity of this site.

Bill Hoitt stated he will recuse himself from this discussion as he will be voting on this issue as a member of the Board of Selectmen, per the suggestion of Chairman Wood.

Members Sitting for this Discussion: Jonathan Wood, Carolyn Matthews, Jim Kent, Gretchen Gott, Doug Vogel.

Community Development Director Cartier Creveling stated the proposal is for the State of NH to take ownership of this property, and for a conservation easement to be placed on the property. That way, the liability and monitoring of this site would go to the State of NH, not the Town. Also, an easement would prevent the site from being sold as excess land to a developer.

Gretchen Gott stated she does not think it is fair to saddle the Town's Conservation Commission with the responsibility of monitoring a conservation easement on this property. It should be given to an outside entity.

Jonathan Wood polled the Planning Board to determine if it would or would not be in the Town's best interest to transfer ownership of the Mottolo superfund site to the State of New Hampshire. (Note: This poll is for recommendation purposes to the Board of Selectmen only).

#### POLL RESULTS

Jim Kent – Yes

Gretchen Gott – Abstain

Doug Vogel – Yes

Carolyn Matthews – Yes

Jonathan Wood – Yes

The Board next entered into a discussion regarding the conservation easement, the activities that should be allowed to occur on the property, and who should own the easement.

*NOTE: Doug Vogel left the meeting at approximately 10:15 p.m., leaving 4 members left sitting at this point: Jonathan Wood, Carolyn Matthews, Gretchen Gott and Jim Kent.*

Jonathan Wood polled the Board to determine if the Board does or does not agree that the Mottolo superfund site should have a conservation easement placed upon it. (Note: This poll is for recommendation purposes to the Board of Selectmen only).

#### POLL RESULTS

Jim Kent – Yes

Gretchen Gott – Yes; held by a 3<sup>rd</sup> party only

Carolyn Matthews – Yes

Jonathan Wood – Yes

Jonathan Wood next polled the Board to determine if a conservation easement placed on the Mottolo superfund site should be held by a 3<sup>rd</sup> party, or by the Town of Raymond. (Note: This poll is for recommendation purposes to the Board of Selectmen only).

#### POLL RESULTS

Jim Kent – 3<sup>rd</sup> party, with Town input on restrictions

Gretchen Gott – 3<sup>rd</sup> party

Carolyn Matthews – 3<sup>rd</sup> party

Jonathan Wood – 3<sup>rd</sup> party

Jonathan Wood polled the Board to determine if non-motorized vehicles, passive recreation and hunting should be on the list of activities allowed to take place on the Mottolo superfund site as part of the conservation easement. (Note: This poll is for recommendation purposes to the Board of Selectmen only).

#### POLL RESULTS

Jim Kent – Yes

Gretchen Gott – Yes

Carolyn Matthews – Yes

Jonathan Wood – Yes

Jonathan Wood polled the Board to determine if a forest management plan should or should not be produced for the Mottolo superfund site. (Note: This poll is for recommendation purposes to the Board of Selectmen only).

#### POLL RESULTS

Jim Kent – Yes

Gretchen Gott – Abstain

Carolyn Matthews – Yes

Jonathan Wood – Yes

Carolyn Matthews stated she is not convinced, after having read through all the documentation available, that enough is known about this land to allow the public to access it at all. She stated this is being based on the flow of the water. She stated she feels there is not enough known to allow a line to be drawn depicting the area where people should be allowed.

Gretchen Gott stated that the State of NH explained they would be willing to fence off the 6+/- acres involved. Ms. Matthews replied they did state this, but it has not yet been done, and until that time, she feels people should not be allowed on the site at all.

Jonathan Wood polled the Board to determine if the public should be prohibited from accessing the site until it is determined safe by the controlling entity. (Note: This poll is for recommendation purposes to the Board of Selectmen only).

#### POLL RESULTS

Jim Kent – Yes; but he finds this condition to be problematic

Gretchen Gott – Yes

Carolyn Matthews – Yes

Jonathan Wood – Yes

The Planning Board requested the review a copy of a letter of recommendation to the Board of Selectmen prior to the letter being sent to the Selectmen. The Board will review the letter and take a yes or no vote on whether or not to forward the recommendations to the Board of Selectmen.



**Other Business**

No other business was discussed.

**Adjournment**

MOTION: Gretchen Gott made a motion to adjourn. Carolyn Matthews seconded. The motion passed with a unanimous vote of 6-0-0. The meeting adjourned at 10:35 p.m.

Respectfully Submitted,

Robert Price  
Planning Technician